

House File 636 - Introduced

HOUSE FILE 636

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 259)

A BILL FOR

1 An Act relating to the carrying, possession, or transportation
2 of weapons on school grounds, at places of employment,
3 in buildings or physical structures located on property
4 under the control of a political subdivision, and in county
5 courthouses, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.4B, subsection 2, Code 2019, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* A person who has in the person's
4 possession a valid permit to carry weapons issued pursuant to
5 section 724.7 and remains on the portion of school district
6 property that comprise its driveways, parking lots, and
7 sidewalks while going armed with, carrying, or transporting a
8 concealed pistol or revolver. A school shall be immune from
9 any claim, cause of action, or lawsuit by a person seeking
10 damages that are alleged, directly or indirectly, as a result
11 of any concealed pistol or revolver brought onto the school
12 district property by a person pursuant to this paragraph. This
13 paragraph shall not apply to a school governed by the board of
14 regents pursuant to section 262.7.

15 Sec. 2. NEW SECTION. **724.4D Limitation on employers —**
16 **firearms and ammunition.**

17 1. For purposes of this section, "employee" means the same
18 as defined in section 91A.2, subsection 3. "Employee" also
19 includes a contract employee or a volunteer.

20 2. An employer shall not prohibit an employee from carrying,
21 transporting, or possessing a firearm or ammunition, if the
22 firearm and ammunition are out of sight and inside the locked
23 motor vehicle of the employee on the real property comprising
24 the employee's place of employment, and if the carrying,
25 transportation, or possession of the firearm or ammunition is
26 otherwise lawful under the laws of this state.

27 3. An employer, owner, or lawful possessor of the property
28 on which the employer is located shall be immune from any
29 claim, cause of action, or lawsuit brought by any person
30 seeking damages that are alleged, directly or indirectly, as a
31 result of any firearm or ammunition brought onto the property
32 of the employer, owner, or lawful possessor by an employee
33 pursuant to this section.

34 4. An employer shall not be subject to liability under
35 chapter 85 if the employer has prohibited the carrying,

1 transportation, or possession of a firearm or ammunition on
2 the employer's property in conformance with this section and
3 an employee is subsequently injured due to that employee's
4 carrying, transportation, or possession of a firearm or
5 ammunition on the employer's property in violation of the
6 employer's firearm prohibition. Any such claim shall be paid
7 by the injured employee's private insurance policy.

8 5. An employee who is terminated due to a violation of an
9 employer's policy that prohibits the carrying, transportation,
10 or possession of a firearm or ammunition on the employer's
11 property in conformance with this section shall not be eligible
12 to receive unemployment compensation.

13 6. An employer may prohibit an employee from carrying,
14 transporting, or possessing a firearm or ammunition in a
15 vehicle owned or leased by the employer or otherwise under the
16 employer's control or possession.

17 7. This section does not apply to the extent that it
18 violates federal or other state law or the terms of a contract
19 with a federal entity.

20 Sec. 3. Section 724.28, subsections 2 and 3, Code 2019, are
21 amended to read as follows:

22 2. A political subdivision of the state shall not enact
23 an ordinance regulating the ownership, possession, legal
24 transfer, lawful transportation, modification, registration, or
25 licensing of firearms, firearms attachments, or other weapons
26 when the ownership, possession, transfer, ~~or~~ transportation, or
27 modification is otherwise lawful under the laws of this state.
28 An ordinance regulating firearms, firearms attachments, or
29 other weapons in violation of [this section](#) existing on or after
30 April 5, 1990, is void.

31 3. If a political subdivision of the state, prior to,
32 on, or after July 1, ~~2017~~ 2019, adopts, makes, enacts, or
33 amends any ordinance, measure, enactment, rule, resolution,
34 motion, or policy regulating the ownership, possession, legal
35 transfer, lawful transportation, modification, registration, or

1 licensing of firearms, firearms attachments, or other weapons
2 when the ownership, possession, transfer, transportation,
3 modification, registration, or license licensing of firearms,
4 firearms attachments, or other weapons is otherwise lawful
5 under the laws of this state, a person adversely affected by
6 the ordinance, measure, enactment, rule, resolution, motion, or
7 policy may file suit in the appropriate court for declaratory
8 and injunctive relief ~~for damages~~ and all damages attributable
9 to the violation. A court shall also award the prevailing
10 party in any such lawsuit reasonable attorney fees and court
11 costs.

12 Sec. 4. Section 724.28, Code 2019, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4. A political subdivision of the state
15 may restrict the carrying, possession, or transportation
16 of firearms or other dangerous weapons in the buildings or
17 physical structures located on property under the political
18 subdivision's control if adequate arrangements are made by the
19 political subdivision to screen persons for firearms or other
20 dangerous weapons and the political subdivision provides armed
21 security personnel inside the building or physical structure
22 where the restriction is to be in effect.

23 Sec. 5. NEW SECTION. 724.32 **County courthouse — weapon**
24 **prohibitions.**

25 A supreme court or judicial branch order that prohibits
26 a person from lawfully carrying, possessing, or transporting
27 a weapon in a county courthouse or other joint-use public
28 facility shall be unenforceable unless the judicial order
29 applies only to a courtroom, court office, or courthouse used
30 only for judicial branch functions.

31 Sec. 6. **EFFECTIVE DATE.** This Act, being deemed of immediate
32 importance, takes effect upon enactment.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to the carrying, possession, or
2 transportation of weapons on school grounds, at places of
3 employment, in buildings or physical structures located on
4 property under the control of a political subdivision, and in
5 county courthouses.

6 Current law provides that a person who goes armed with,
7 carries, or transports a firearm of any kind, whether concealed
8 or not, on the grounds of a school (public or nonpublic)
9 commits the criminal offense of carrying firearms on school
10 grounds, except under certain circumstances. Carrying firearms
11 on school grounds in violation of Code section 724.4B is a
12 class "D" felony. Under the bill, a person does not commit
13 the criminal offense of carrying firearms on school grounds
14 in violation of Code section 724.4B if the person possesses a
15 valid permit to carry weapons while remaining on the portion
16 of school district property that comprise the driveways,
17 parking lots, and sidewalks of a school while going armed with,
18 carrying, or transporting a concealed pistol or revolver. The
19 bill also provides that a school is immune from any claim,
20 cause of action, or lawsuit seeking damages alleged as a result
21 of a concealed pistol or revolver brought onto the school
22 district property by a person possessing a valid permit to
23 carry weapons who remains on the portion of the grounds that
24 comprise the driveways, parking lots, and sidewalks of the
25 school. The bill provides that this exception does not apply
26 to a school governed by the board of regents.

27 The bill prohibits an employer from prohibiting an employee
28 from carrying, possessing, or transporting a firearm or
29 ammunition on the real property comprising the employee's place
30 of employment if the firearm or ammunition is out of sight
31 and inside the locked motor vehicle of the employee and if
32 the carrying, transportation, or possession of the firearm or
33 ammunition is otherwise lawful under the laws of this state.
34 The bill defines "employee" as that term is defined in Code
35 section 91A.2 and includes a contract employee or volunteer.

1 The bill also provides that an employer, owner, or lawful
2 possessor of the property on which the employer is located is
3 immune from any claim, cause of action, or lawsuit seeking
4 damages alleged as a result of any firearm brought onto the
5 property of the employer, owner, or lawful possessor on which
6 the employer is located by an employee. The bill provides that
7 an employer will not be subject to liability under Code chapter
8 85 (workers' compensation) if the employer has prohibited
9 the carrying, transportation, or possession of a firearm
10 or ammunition on the employer's property and an employee
11 is subsequently injured due to that employee's carrying,
12 transportation, or possession of a firearm or ammunition on
13 the employer's property in violation of the employer's firearm
14 prohibition. The bill provides that any claim arising from
15 such injury shall be paid by the injured employee's private
16 insurance policy. The bill provides that an employee that
17 is terminated due to a violation of an employer's firearm
18 prohibition on the employer's property is not eligible to
19 receive unemployment compensation. Under the bill, an employer
20 can prohibit an employee from carrying, transporting, or
21 possessing a firearm or ammunition in a vehicle owned or leased
22 by the employer or otherwise under the employer's control or
23 possession.

24 Current law provides that a political subdivision shall not
25 enact, adopt, make, or amend any ordinance, measure, enactment,
26 rule, resolution, motion, or policy that regulates the
27 ownership, possession, legal transfer, lawful transportation,
28 registration, or licensing of firearms when the ownership,
29 possession, transfer, transportation, registration, or license
30 is otherwise lawful, and that a person adversely affected
31 by such an ordinance, measure, enactment, rule, resolution,
32 motion, or policy may file suit in the appropriate court for
33 declaratory and injunctive relief for damages. The bill
34 extends this prohibition to modifications and further provides
35 that the prohibition applies to firearm attachments and other

1 weapons. The bill provides that a person adversely affected
2 may also file a lawsuit for damages attributable to the
3 violation. The bill provides that a court shall also award the
4 prevailing party reasonable attorney fees and court costs.

5 The bill provides that political subdivisions may restrict
6 the carrying, possession, or transportation of firearms or
7 other dangerous weapons in the buildings or physical structures
8 located on property under the political subdivision's control
9 if arrangements are made to screen persons entering into the
10 building or physical structure and the political subdivision
11 provides armed security personnel inside the building or
12 physical structure.

13 The bill provides that a supreme court or judicial branch
14 order that prohibits a person from carrying, possessing, or
15 transporting a weapon in a county courthouse or other joint-use
16 public facility shall be unenforceable unless the judicial
17 order applies only to a courtroom, court office, or courthouse
18 used only for judicial branch functions.

19 The bill takes effect upon enactment.